



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

### DIRECTOR'S ORDER NO. 148

Subject: Coordination and Cooperative Work with State Fish and Wildlife Agency Representatives on Management of the National Wildlife Refuge System

**Sec. 1 What is the purpose of this Order?** This Order establishes procedures for coordinating and working cooperatively with State fish and wildlife agency representatives on management of units of the National Wildlife Refuge System.

**Sec. 2 What is the scope of this Order?** This Order applies to the Chief, National Wildlife Refuge System, Regional Directors, Regional Chiefs, refuge supervisors, and refuge managers within the Fish and Wildlife Service (Service).

**Sec. 3 What is the authority for this Order?** The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, provides that the Secretary of the Interior in administering the System will among other things: ensure timely and effective cooperation with State fish and wildlife agencies during the course of acquiring and managing refuges; enter into cooperative agreements with State fish and wildlife agencies for the management of programs on a refuge; consult with adjoining State landowners and State fish and wildlife agencies in the preparation of comprehensive conservation plans and coordinate the development of these plans or their revisions with relevant State plans for fish and wildlife and their habitats; include a summary of State comments in a final comprehensive conservation plan; and ensure regulations allowing hunting or fishing of fish and wildlife within the System are, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans.

### **Sec. 4 What is the Service's policy on coordination with the States?**

a. Effective conservation of fish, wildlife, plants and their habitats depends on the professional relationship between managers at the State and Federal level. The Service acknowledges the unique expertise and role of State fish and wildlife agencies in the management of fish and wildlife.

b. Both the Service and the State fish and wildlife agencies have authorities and responsibilities for management of fish and wildlife on national wildlife refuges, as described in 43 CFR 24. Consistent with the National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act, the Director of the Service will interact, coordinate, cooperate, and collaborate with the State fish and wildlife agencies in a timely and effective manner on the acquisition and management of national wildlife refuges. Under the Administration Act and 43 CFR 24, the

Director as the Secretary's designee will ensure that National Wildlife Refuge System regulations and management plans are, to the extent practicable, consistent with State laws, regulations, and management plans. We charge refuge managers, as the designated representatives of the Director at the local level, with carrying out these directives. We will provide State fish and wildlife agencies timely and meaningful opportunities to participate in the development and implementation of programs conducted under this policy. This opportunity will most commonly occur through State fish and wildlife agency representation on the comprehensive conservation plan (CCP) planning team; however, we will provide other opportunities for the State fish and wildlife agencies to participate in the development and implementation of program changes that would be made outside of the CCP process. Further, State fish and wildlife agencies will continue to be provided opportunities to discuss and, if necessary, elevate decisions within the hierarchy of the Service.

**Sec. 5 What is the role of the International Association of Fish and Wildlife Agencies?** For the purposes of this Order and to further the congressional directive to develop effective procedures for State fish and wildlife agencies to provide meaningful participation, State representatives include International Association of Fish and Wildlife Agencies (IAFWA) staff who have been specifically appointed by a public officer of a State fish and wildlife agency to act on its behalf for such proceedings.

**Sec. 6 How will the Service coordinate with State representatives on the development of policy?**

a. When the Service initiates national policy development to address a legislative requirement or to address a broad-scale refuge management concern, need, or issue, we will inform the States in order to obtain scoping or other preliminary information from them. The Service will meet with State representatives to discuss issues relative to the development of national policy affecting resource management on and near units of the System. The Service will invite interested State representatives to participate on working groups to develop policies that affect Federal and State interests. The Service may also use intergovernmental personnel agreements to employ State representatives to assist in the development of policy.

b. When the Service has published proposed refuge management policies seeking public comment and input under the procedures set by the Administrative Procedure Act, the Service will continue to meet with State representatives. These discussions will provide State representatives with a better understanding of the proposals and the rationale behind them. It will also provide the Service with a better understanding of State representative concerns and suggestions that will be incorporated, when appropriate, in products. The Service will include in the rulemaking record a summary of any such meetings so as to include any significant information, recommendations, and rationale presented that is not already part of the record. If these discussions result in new information or suggestions that result in a significant shift in approach by the Service that is not otherwise supported by the record developed during the public comment period, the Service will reopen the comment period identifying for the public the new information it wishes to rely on or repropose a new regulation or policy.

**Sec. 7 How will State representatives participate in the development of comprehensive conservation plans?** The Service will invite State representatives to participate on comprehensive conservation plan (CCP) planning teams. When the Service makes final decisions, we will communicate our decisions and rationale to the States and include a summary of State comments in the final CCP. Consistent with the provisions of the National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act, the Service will consult and work cooperatively with adjoining State landowners and State fish and wildlife agencies to develop and implement CCPs and coordinate the development of these plans or their revisions with State plans for fish and wildlife and their habitats. The Service will provide the States meaningful opportunities to participate in the review and revision (if necessary) of completed CCPs.

**Sec. 8 What are the Regional Directors' responsibilities for coordination with States?** Regional Directors will meet with the directors of State fish and wildlife agencies within their Region at least annually, either collectively or individually. The purpose of the meetings is to exchange information and expertise and discuss outstanding issues such as the status of CCPs for each refuge within the Region and guidance for appropriate staff. Regional Directors and State directors should identify appropriate staff and mechanisms for further consultation including the development of memorandums of understanding (MOUs) or other instruments to guide cooperative development of plans and programs.

**Sec. 9 What are the procedures for resolving disagreements with the Service?** We will strive to resolve issues at the refuge manager level. However, in those rare instances where issues cannot be resolved at the refuge manager level, a State fish and wildlife agency can refer concerns and recommendations for resolution by the Regional Director or, if necessary, by the Director of the Service.

**Sec. 10 What is the effective date of this Order.** This Order is effective immediately. It will expire on December 31, 2003, unless amended, superseded, or revoked. We will include the provisions of this Order in Part 601 of the Fish and Wildlife Service Manual.

  
DIRECTOR

Date: December 23, 2002